

REMARKS

Applicant has carefully reviewed and considered the Final Office Action mailed on December 24, 2008. By virtue of this response, claims 5 and 10 are amended, and claims 8, 9, 16, and 17 are cancelled. Consequently, claims 1-7 and 10-15 remain pending, of which claims 1, 5, and 13 are independent.

In the Final Office Action of December 24, 2008, claims 1-4 and claims 13-15 are allowed. Further, dependent claims 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Without necessarily agreeing with the substance or extent of the included statements of reasons for allowance of these claims, Applicant thanks the Examiner for these indications of allowability. And, in response, Applicant hereby amends claim 5 to include the limitations of claim 9 and intervening claim 8. Consequently, claim 5 is now believed to be in condition for allowance, so that all of claims 1-7 and 10-15 are believed to be in condition for allowance.

Claims 5-8, 12, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopps (RFC 2992, Analysis of an Equal-Cost Multi Path Algorithm, November 2000) in view of Dani et al. (US Patent Publication No. 2004/0064583). The rejection(s) of claims 5-8 and 12 is obviated by the above-referenced amendment to claim 5 and associated cancellation of claims 8 and 9. Further, the rejection of claims 16 and 17 are obviated by the cancellation of those claims. Applicant submits that these amendments are made for the purpose of facilitating prosecution, and not for reasons of patentability with respect to the cited prior art. Consequently, Applicant reserves the right to pursue the subject matter of claims 8, 9, 16, and 17, as well as that of claim 5 as recited prior to the present amendment.

Conclusion

Applicant believes that all pending claims are in condition for allowance, and respectfully requests such action. The Examiner may telephone Applicant's attorney (202-470-6452) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3521.

Respectfully submitted,

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